

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hidekazu KOJIMA et al.

ATTN: PCT Branch

Application No.: 09/423,461

Docket No.: 104651

Filed: November 30, 1999

For: OPTICAL FIBER OBSERVING IMAGE PROCESSING APPARATUS

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C 371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
DECLARATION ALREADY FILED

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C 371 in the United States Designated/Elected Office (DO/EO/US) (copy attached) mailed on January 13, 2000, the executed Declaration of the inventors was filed on November 30, 1999. A copy of the executed Declaration as filed, a copy of the Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371, and a copy of the stamped postcard receipt are attached hereto. The surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)) was also paid on November 30, 1999 with our Check No. 104663 for \$130.00.

Entry of these documents on November 30, 1999 should have completed all of the filing formalities. Accordingly, prompt issuance of a Notification of Acceptance and Filing Receipt, and prompt examination and allowance of this application are respectfully solicited.

The Commissioner is hereby authorized to charge any additional fee (or credit any overpayment) associated with this communication to Deposit Account No. 15-0461. Two duplicate copies of this paper are attached.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Thomas J. Pardini
Registration No. 30,411

JAO:TJP/kmc

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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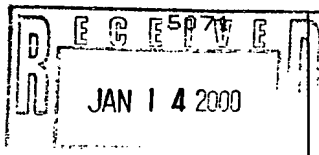
09/423461



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO. 09/423,461	FIRST NAMED APPLICANT KUJIMA	ATTY. DOCKET NO. 104651
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OLIFF & BERRIDGE
PO BOX 19928
ALEXANDRIA VA 22320



INTERNATIONAL APPLICATION NO. PCT/JP99/00445	
I.A. FILING DATE 02/03/99	PRIORITY DATE 03/18/98
DATE MAILED 01/13/00	

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:

- ☒ a Designated Office (37 CFR 1.494),
☐ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☐ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventors(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☐ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☒ Preliminary amendments filed 09 NOV 1999 and _____

☐ Information Disclosure Statement(s) filed _____ and _____

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☐ Statement Claiming Small Entity Status.

☒ Priority Document.

☒ Copy of the International Search Report ☒ and copies of the references cited therein.

☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.

☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.

- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703)

Lamont Hester

National Stage Processing

(703) 305-3606


DOCKETED
By Uma on 1-18 2000
and
By Paul on 1-18 2000
Oliff & Berridge

(1390 REV. 5-93) US DEPT. OF COMMERCE PATENT & TRADEMARK OFFICE TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 104651 U.S. APPLICATION NO. (if known, sec 37 C.F.R.1.5)
INTERNATIONAL APPLICATION NO. PCT/JP99/00445	INTERNATIONAL FILING DATE February 3, 1999	PRIORITY DATE CLAIMED March 18, 1998
TITLE OF INVENTION OPTICAL FIBER OBSERVING IMAGE PROCESSING APPARATUS		
APPLICANT(S) FOR DO/EO/US Hidekazu KOJIMA et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1). 4. <input type="checkbox"/> A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date. 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ol style="list-style-type: none"> a. <input type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> has been transmitted by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input type="checkbox"/> A translation of the International Application into English (35 U.S.C. 371(c)(2)). 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ol style="list-style-type: none"> a. <input type="checkbox"/> are transmitted herewith (required only if not transmitted by the International Bureau). b. <input type="checkbox"/> have been transmitted by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)). 		
Items 11. to 16. below concern other document(s) or information included:		
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input checked="" type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A FIRST preliminary amendment. <input type="checkbox"/> A SECOND or SUBSEQUENT preliminary amendment. 14. <input type="checkbox"/> A substitute specification. 15. <input type="checkbox"/> A small entity statement. 16. <input type="checkbox"/> Other items or information: 		

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5)	INTERNATIONAL APPLICATION NO. PCT/JP99/0445	ATTORNEY'S DOCKET NUMBER 104651	
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17. <input checked="" type="checkbox"/> The following fees are submitted: Basic National fee (37 CFR 1.492(a)(1)-(5)): Search Report has been prepared by the EPO or JPO.....\$840.00 International preliminary examination fee paid to USPTO (37 CFR 1.482).....\$670.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)).....\$760.00 Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO.....\$970.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4).....\$ 96.00 ENTER APPROPRIATE BASIC FEE AMOUNT =	CALCULATIONS	PTO USE ONLY																																																														
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Surcharge of \$130.00 for furnishing the oath or declaration later than <input checked="" type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).	\$130.00																																																															
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:20%;">Claims</th> <th style="width:20%;">Number Filed</th> <th style="width:10%;">Number Extra</th> <th style="width:10%;">Rate</th> <th style="width:10%;"></th> <th style="width:10%;"></th> </tr> <tr> <td>Total Claims</td> <td style="text-align: center;">- 20 =</td> <td></td> <td>X \$ 18.00</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td>Independent Claims</td> <td style="text-align: center;">- 3 =</td> <td></td> <td>X \$ 78.00</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td colspan="3">Multiple dependent claim(s)(if applicable)</td> <td style="text-align: center;">+ \$260.00</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS =</td> <td style="text-align: center;">\$130.00</td> <td></td> </tr> <tr> <td colspan="4">Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">SUBTOTAL =</td> <td style="text-align: center;">\$130.00</td> <td></td> </tr> <tr> <td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td style="text-align: center;">\$</td> <td></td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL NATIONAL FEE =</td> <td style="text-align: center;">\$130.00</td> <td></td> </tr> <tr> <td colspan="4" rowspan="2"></td> <td style="text-align: center;">Amount to be refunded</td> <td style="text-align: center;">\$</td> </tr> <tr> <td style="text-align: center;">Charged</td> <td style="text-align: center;">\$</td> </tr> </table>	Claims	Number Filed	Number Extra	Rate			Total Claims	- 20 =		X \$ 18.00	\$		Independent Claims	- 3 =		X \$ 78.00	\$		Multiple dependent claim(s)(if applicable)			+ \$260.00	\$		TOTAL OF ABOVE CALCULATIONS =				\$130.00		Reduction by 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).				\$		SUBTOTAL =				\$130.00		Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 month from the earliest claimed priority date (37 CFR 1.492(f)).				\$		TOTAL NATIONAL FEE =				\$130.00						Amount to be refunded	\$	Charged	\$		
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a. <input checked="" type="checkbox"/> Check No. 104663 in the amount of \$130.00 to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.	<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC P.O. Box 19928 Alexandria, Virginia 22320</p>
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JAO:TJP/kmc	<div style="text-align: center;">  NAME: James A. Oliff REGISTRATION NUMBER: 27,075 </div> <div style="text-align: center; margin-top: 20px;"> NAME: Thomas J. Pardini REGISTRATION NUMBER: 30,411 </div>
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**DECLARATION AND POWER OF ATTORNEY
UNDER 35 USC §371(c)(4) FOR
PCT APPLICATION FOR UNITED STATES PATENT**

As a below named inventor, I hereby declare that:
my residence, post office address and citizenship are as stated below under my name;

I verily believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought, namely the invention entitled: OPTICAL FIBER OBSERVING IMAGE PROCESSING APPARATUS described and claimed in international application number PCT/JP99/00445 filed February 3, 1999.

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

Under Title 35, U.S. Code §119, the priority benefits of the following foreign application(s) filed by me or my legal representatives or assigns within one year prior to my international application are hereby claimed:

Japanese Patent Application No. 10-68596 filed on March 18, 1998

The following application(s) for patent or inventor's certificate on this invention were filed in countries foreign to the United States of America either (a) more than one year prior to my international application, or (b) before the filing date of the above-named foreign priority application(s):

I hereby appoint the following as my attorneys of record with full power of substitution and revocation to prosecute this application and to transact all business in the Patent Office:

James A. Oliff, Reg. No. 27,075; William P. Berridge, Reg. No. 30,024;
Kirk M. Hudson, Reg. No. 27,562; Thomas J. Pardini, Reg. No. 30,411;
Edward P. Walker, Reg. No. 31,450; Robert A. Miller, Reg. No. 32,771;
Mario A. Costantino, Reg. No. 33,565; and Caroline D. Dennison, Reg. No. 34,494.

ALL CORRESPONDENCE IN CONNECTION WITH THIS APPLICATION SHOULD BE SENT TO OLIFF & BERRIDGE, PLC, P.O. BOX 19928, ALEXANDRIA, VIRGINIA 22320, TELEPHONE (703) 836-6400.

I hereby declare that I have reviewed and understand the contents of this Declaration, and that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

1	<i>Typewritten Full Name of Sole or First Inventor</i>	<u>Hidekazu KOJIMA</u>		
		Given Name	Middle Initial	Family Name
2	Inventor's Signature	<u>Hidekazu Kojima</u>		
3	Date of Signature	<u>November</u>	<u>25</u>	<u>1999</u>
		Month	Day	Year
	Residence:	<u>Tokyo</u>	<u>JAPAN</u>	
		City	State or Province	Country
	Citizenship:	<u>JAPAN</u>		
	Post Office Address: (Insert complete mailing address, including country)	<u>c/o THE FURUKAWA ELECTRIC CO., LTD.</u>		
		<u>6-1, Marunouchi 2-chome, Chiyoda-ku, Tokyo, 100-0005</u>		
		<u>JAPAN</u>		

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

IF THERE IS MORE THAN ONE INVENTOR USE PAGE 2 AND PLACE AN "X" HERE ☒
(Discard this page in a sole inventor application)

1 *Typewritten Full Name
of Joint Inventor*

2 Inventor's Signature:

3 Date of Signature:

Residence:

Citizenship:

Post Office Address:
(Insert complete mailing
address, including country)

1 *Typewritten Full Name
of Joint Inventor*

2 Inventor's Signature:

3 Date of Signature:

Residence:

Citizenship:

Post Office Address:
(Insert complete mailing
address, including country)

1 *Typewritten Full Name
of Joint Inventor*

2 Inventor's Signature:

3 Date of Signature:

Residence:

Citizenship:

Post Office Address:
(Insert complete mailing
address, including country)

1 *Typewritten Full Name
of Joint Inventor*

2 Inventor's Signature:

3 Date of Signature:

Residence:

Citizenship:

Post Office Address:
(Insert complete mailing
address, including country)

Note to Inventor: Please sign name on line 2 exactly as it appears in line 1 and insert the actual date of signing on line 3.

This form may be executed only when attached to the first page of the Declaration and Power of Attorney of the application to which it pertains.

PTO RECEIPT FOR FILING OF PAPERS

The following papers have been filed:

PCT Transmittal, #104663, (\$130), exec. Declaration; Assignment Transmittal, #104662, (\$40), exec. Assignment.

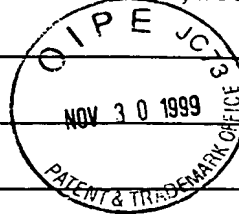
Name of Applicant: Hidekazu KOJIMA and Seiryō MISHIMA

Serial No.: U.S. National Stage of PCT/JP99/00445

Atty. File No.: 104651

Title (New Cases): OPTICAL FIBER OBSERVING IMAGE PROCESSING
APPARATUS

Sender's Initials: JAO:TJP/kmc



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PATENT OFFICE DATE STAMP

**COPY TO BE STAMPED BY PATENT OFFICE
AND RETURNED BY MESSENGER**

17

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Hidekazu KOJIMA et al.

ATTN: Application Branch

Application No.: 09/423,461

Docket No.: 104651

Filed: November 30, 1999

For: OPTICAL FIBER OBSERVING IMAGE PROCESSING APPARATUS

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NOTIFICATION OF ERRORS IN FILING RECEIPT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Attached is a photocopy of the original filing receipt on which errors have been corrected in red. These errors are being brought to the attention of the Patent and Trademark Office so that it may correct its records. No corrected filing receipt is requested in view of the fact that the errors will not be transferred to the Letters Patent upon its issuance under the Patent and Trademark Office policy announced at 1220 O.G.42 (March 9, 1999). Please contact the undersigned if there is any question about the accuracy of these corrections.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Thomas J. Pardini
Registration No. 30,411

JAO:TJP/kmc

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>

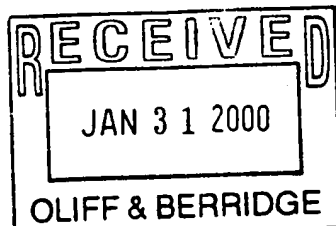
FILING RECEIPT



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
09/423,461	11/30/99	2713	\$2,698.00	104651	30	25	1

OLIFF & BERRIDGE
PO BOX 19928
ALEXANDRIA VA 22320



Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination, Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s) HIDEKAZU KOJIMA, TOKYO, JAPAN; SEIRYO MISHIMA, TOKYO, JAPAN.

CONTINUING DATA AS CLAIMED BY APPLICANT-

THIS APPLN IS A 371 OF PCT/JP99/00445 02/03/99

FOREIGN APPLICATIONS- JAPAN

10-68596

03/18/98

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 01/24/00

TITLE

~~IMAGE PROCESSOR FOR OBSERVING OPTICAL FIBER~~

OPTICAL FIBER OBSERVING IMAGE PROCESSING APPARATUS

PRELIMINARY CLASS: 348

DATA ENTRY BY: ORDONEZ, MARTA

TEAM: 11 DATE: 01/24/00

|||||

(See reverse for new important information)